

**UNITED STATES DEPARTMENT OF COMMERCE**

National Oceanic and Atmospheric Administration

**NATIONAL MARINE FISHERIES SERVICE**

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

July 29, 2016

F/SER47: KH/pw

(Sent via Electronic Mail)

Lt. Col. Matthew Luzzatto  
Charleston District, Corps of Engineers  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107

Attention: Stephen A. Brumagin

Dear Colonel Luzzatto:

NOAA's National Marine Fisheries Service (NMFS) reviewed joint public notice SAC-2008-01333 REVISED dated July 8, 2016. The South Carolina Department of Transportation (SCDOT) requests authorization from the Department of the Army to impact approximately 324.1 acres of jurisdictional wetlands and 4,643 linear feet of jurisdictional streams from cut/fill and clearing activities in various locations in Marlboro, Dillon, Marion, and Horry Counties associated with construction of a new 75.3-mile four-lane interstate roadway (I-73) on new alignment. The Charleston District has determined the proposed work is not within areas designated essential fish habitat (EFH). The NMFS agrees with this determination and offers no comments under the authorities of the Magnuson-Stevens Fishery Conservation and Management Act. As the nation's federal trustee for the conservation and management of marine, estuarine, and anadromous fishery resources, the NMFS provides the following comments and recommendation pursuant to authorities of the Fish and Wildlife Coordination Act.

*Description of the Proposed Project*

The proposed new four-lane interstate roadway would begin at the NC/SC stateline northeast of Bennettsville in Marlboro County and extend to its intersection with SC Highway 22 northwest of Conway in Horry County for a total approximate distance of 75.3 miles. The project would also include construction of interchanges, over/underpasses, and improvements to existing roadways at the interchanges and over/underpasses. The project would utilize a standard limited-access interstate design with frontage roads and entrance/exit ramps at interchanges, stormwater facilities, grassed medians, shoulders, guide rails, and barrier fences. The project is designed to provide interstate linkage between the I-73/I-74 corridor in North Carolina to the Myrtle Beach region in South Carolina.

*Consultation History*

The NMFS has participated in project review and planning, as well as numerous interagency meetings, since the project's initial coordination with the NMFS during 2006. The NMFS has reviewed and provided comments on the project Purpose and Need (January 31, 2006), the Draft Environmental Impact Statements (DEIS) for the southern route (phase 1; August 17, 2006) and northern route (phase 2; September 11, 2007), the Final Environmental Impact Statements (EIS) for the Northern Corridor (September 22, 2008), and public notice SAC-2008-1333-DIS (March 25, 2011). Additionally, as part of the Agency Coordination Team, the NMFS commented on numerous versions of the proposed mitigation plan, which are best summarized by letter dated August 13, 2014, reviewing the SCDOT's Permittee-Responsible Final Mitigation Plan for Joiner Bay and Long Branch Creek.



### *Project Impacts*

The public notice describes impacts to 324.1 acres of jurisdictional wetlands within 139 separate wetlands and five ponds/impoundments. Proposed permanent wetland impacts include 254.28 acres from fill activities, 16.75 from permanent clearing, and 4.4 acres from excavation. Approximately 48.67 acres of jurisdictional wetlands would be impacted from temporary clearing activities. The loss of freshwater wetlands can adversely affect water quality as this habitat filters pollutants, stabilizes shorelines, and facilitates transport of organic material. Consideration of the losses to these habitats and the ecosystem services they provide is essential during the Charleston District's analysis of the proposed project.

The public notice also describes direct impacts to 4,643 linear feet of jurisdictional streams within 17 separate streams. These stream impacts would permanently eliminate or temporarily disturb aquatic habitats as well as temporarily disrupt the behavior of aquatic organisms. The Little Pee Dee River includes spawning, foraging, and migration habitat for anadromous fish species, including American shad (*Laos sapidissima*) and blueback herring (*Alosa aestivalis*). Anadromous fishes occur within, upstream, and downstream of the proposed I-73 crossing of the Little Pee Dee River, however, the public notice does not describe potential adverse impacts to these species or their habitats. Sediment input into streams and rivers is a major threat to anadromous fishes and their habitat. This input can directly impact individuals and spawning aggregations as well as permanently eliminate migration and spawning habitat. Additionally, impacts from noise, vibrations, and other elements associated with construction activities can adversely affect anadromous fish spawning and migratory patterns and behavior. The NMFS recommends the Charleston District examine impacts to anadromous fishes, including downstream impacts, during final analysis of the permit application.

### *Proposed Compensatory Mitigation*

The mitigation plan for the proposed roadway has been revised and will no longer include the Joiner Bay wetland mitigation site and the Long Branch stream mitigation site, which were originally considered to compensate for unavoidable impacts from the project. The currently proposed compensatory mitigation plan consists of the permittee-responsible mitigation site referred to as "Gunter's Island," located in Horry County. The SCDOT is proposing to purchase and preserve the tract, including an intact Carolina Bay, and conduct enhancement activities by replacing/removing existing culverts/roads/bridges, stabilizing streambanks, and supplemental planting along floodplains within wetlands and buffers. The proposed mitigation plan states the site is a large-scale mitigation opportunity with regional importance based on a watershed approach to protect water quality and aquatic resources. The 6,134 acre tract is on the east bank of the Little Pee Dee River approximately four miles north of the US 378 crossing of the river. The SCDOT states the tract contains 89,836 linear feet of tributaries, 4,583 acres of wetlands, and includes an 11-mile corridor along the east side of the Little Pee Dee River. The SCDOT indicates preservation of this tract would further prevent habitat fragmentation caused by land conversion from typical agricultural practices to non-traditional uses and development. The South Carolina Department of Natural Resources would be the long-term steward of the site for management and inclusion in the Department's Heritage Trust Program.

The NMFS does not object to the use of the Gunter's Island site for permittee-responsible compensatory mitigation for unavoidable impacts from the proposed project. The NMFS believes Gunter's Island represents a unique mitigation opportunity providing significant value due to its size, aquatic resources, and connectivity to anadromous fish habitat in the Little Pee Dee River, including the 11-mile segment of the site along the east bank of the river. However, the public notice does not describe any ecological performance standards for mitigation activities. Performance standards are used to assess whether a project is achieving its goals and should be objective and verifiable. The public notice also fails to include any on-site restoration as a component of the mitigation plan, and only describes enhancement and preservation activities. The NMFS recommends the Charleston District examine potential restoration

opportunities at Gunter's Island and require comprehensive performance standards be included in the final mitigation plan.

*Recommendations*

The proposed project may prevent upstream passage of anadromous fishes to spawning habitat in the Little Pee Dee River and may degrade spawning, migration, and foraging habitats within, upstream, and downstream of the proposed I-73 crossing of the Little Pee Dee River for numerous breeding seasons. The NMFS anticipates impacts to anadromous fishes from the proposed project would be significant unless avoidance and minimization measures are included in the project design. To the extent practicable, the SCDOT should restrict in-water work in the Little Pee Dee River to May 1 to February 14 of each year (no in-water work conducted between February 15 and April 30), and avoid blocking or constricting the river throughout the year to avoid impacts to migrating, foraging, and spawning anadromous fishes. Additionally, the SCDOT should pursue construction methods that avoid and minimize impacts to the river, including the use of top-down construction, temporary work trestles, work barges, or other methods that reduce or eliminate impacts to the river. Should the SCDOT require use of in-water structures during construction, such as rip-rap pads or rock jetties, hydraulic analysis should be conducted to assess whether current changes will alter rates of fish passage and sedimentation in spawning areas, and the permit should require monitoring of these habitats to assess project impacts and trigger remedial action if necessary. Furthermore, if blasting is required in the Little Pee Dee River, a blasting plan should be developed and submitted to the NMFS for review. Lastly, the SCDOT should install, inspect, and maintain appropriate erosion and sedimentation control Best Management Practices in accordance with local and state stormwater guidelines to avoid sediment input into adjacent waters.

Thank you for the opportunity to provide these comments. Please direct related questions or comments to the attention of Keith M. Hanson at our Charleston Area Office, 219 Fort Johnson Road, Charleston, South Carolina 29412-9110, Keith.Hanson@noaa.gov or by phone at (843)762-8622.

Sincerely,



/ for

Virginia M. Fay  
Assistant Regional Administrator  
Habitat Conservation Division

cc: COE, Stephen.A.Brumagin@usace.army.mil  
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